IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 31726 of 2005(B)

PETITIONER:

BAIJU.R., AGED 24 YESR, S/O.RAJAN,
SANTHALAYAM, VALLAM, NEDUVATHOOR VILLAGE,
KOTTARAKKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS:

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1. THE CO-OPERATIVE JOINT REGISTRAR,
KOLLAM.

2. THE SECRETARY, THE KOLLAM C0-OPERATIVE
AGRICULTURAL & RURAL DEVELOPMENT, KOTTARAKKARA
BRANCH.

BY GOVERNMENT PLEADER - ADV. SHRI.P.K.RAVI KRISHNAN – FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 31726/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE NOTICE DATED 13/9/2005 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 COPY OF THE RECEIPT OF THE PETITION (P2(a)) DATED 15/10/2005.

EXT.P2(a) COPY OF THE SUBMISSIONS OF THE 1ST PETIITOENR to the RESPONDENTS DATED 15/10/2005.

EXT.P4 COPY OF THE RECEIPTS DATED 30/6/2006 ISSUED BY THE KOLLAM CO-OPERATIVE AGRICULTURE AND RURAL DEVELOPMENT Bank.

EXT.P5 COPY OF THE RECEIPTS DATED 13/11/2006 ISSUED by the KOLLAM CO-OPERATIVE AGRICULTURE AND RURAL DEVELOPMENT Bank.

EXT.P6 COPY OF THE DRAFT DATED 18/1/2007 SUBMITTED BY THE PETITIONER BEFORE THE KOLLAM CO-OPERATIVE AGRICULTURE AND RURAL DEVELOPMENT Bank.

EXT.P7 COPY OF THE NOTICE PUBLISHED IN MATYHRUBHOOMI DAILY DATED 15/02/2007.

EXT.P8 COPY OF THE NOTICE DATED 12/3/2007 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 31726 of 2005 B

Dated, this the 9th day of April, 2007

J U D G M E N T

In spite of service of notice by Special Messenger, there is no appearance for respondents. Since subsequent to filing of this WP (C), petitioner has paid more than Rs. 1 lakh and the balance comes to nearly Rs. 80,000/- only as per Ext.P7, and in view of the undertaking by the petitioner to clear the arrears in 10 equal monthly instalments, this WP(C) is disposed of directing the 2nd respondent to give a statement of balance liability to the petitioner with details of interest debited in his account, credit given for the payments made etc. within a period of one week from date of production of a copy of this judgment. Petitioner is granted 10 equal monthly instalments to clear the entire balance arrears, which will be paid along with interest on or before 30th of this month and balance on last date of nine succeeding months. Recovery proceedings will be kept in abeyance for payments as above. If any default is committed in payment of any of the instalments, the instalment facility granted will stand automatically cancelled on first

default and respondents will be free to proceed for recovery of entire arrears by sale of petitioner's property.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg